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Banner & Witcoff, Ltd. 1001 G Street, N.W. Washington, DC 20001-4597			GRAYSAY, TAMARA L	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 05/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/765,645	DONAHUE, JOHN J.	
	Examiner	Art Unit	
	Tamara L. Graysay	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 February 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Preliminary Matters

1. The amendment filed 28 February 2005 has been entered. Any objections made in the previous Office action, which are not repeated herein, have been obviated by the amendment.
2. The amendment, at page 14, refers to formal drawings filed 27 April 2001. The formal drawings have not been received, i.e., the Image File Wrapper does not contain formal drawings filed in April 2001.

Drawings

3. The drawings filed 28 February 2005 are accepted by the examiner. However, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the telephone, as recited in claim 29, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “1007” has been used to designate both the OBTAIN SUMMARY DOCUMENTS step (Fig.10) and the TENANT MOVES IN step (Fig.10).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term “telephone” as recited in claim 29, lacks proper antecedent basis in the specification.

Claim Objections

6. Claim 30 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

In accordance with MPEP § 608.01(n), III, the test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be infringed by anything which would not also infringe the basic claim. In the present application, claim 1 is drawn to a method of generating a report and claim 30 is drawn to a computer readable medium with instructions for performing the method of claim 1. It is conceivable that the computer readable medium containing the instructions could be used infringed without infringing the method of generating the report. That is to say that one in possession of the computer readable medium, may not necessarily infringe claim 1, which requires the process steps to be performed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not provide adequate support for an embodiment where the system for generating a report comprises a transaction evaluation questionnaire that “requests” information. The amendment is silent as what particular portion of the specification provides support for the invention as is now claimed. The examiner cannot find support in the specification as to how the questionnaire performs the “request” for information. The previously claimed invention and disclosure included a system in which the questionnaire facilitates receipt of information but not actually “requests” the information. Applicant should either particularly point out the support for the embodiment that is now claimed or cancel the new matter from the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5, 11-13, 16-18, 21-24, 28, 29, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Raveis Jr. (US-6321202).

The term real estate transaction as recited in the claims has been broadly interpreted to include any dealing associated with real estate, including pre-closing, closing, and post-closing transactions related to property.

Regarding claim 1, Raveis Jr. discloses a method of generating a report for a real estate transaction, comprising the steps:

- receiving over a computer network from one or more parties to the completed real estate transaction information relating to the completed real estate transaction;

Raveis Jr. discloses a method of receiving data over a computer network at Fig.1, Ref.22, Fig.10, Ref.200; and users at Fig.1, Ref.18(1)-18(n) including vendors, contacts, sales agents, administrative personnel, e.g., C.5, L.8-10, who receive data related to a real estate transaction, e.g., C.4, L.26-34.

The added limitation of the information comprising responses to a transaction questionnaire evaluating the real estate transaction, has been met insofar as Raveis Jr. discloses receiving a transaction questionnaire (report

template C.6, L.25-28; form templates C.6, L.31-34) including information evaluating the real estate transaction (e.g., real estate related goods and services C.12, L.9-11).

- generating a transaction report based on the received information;

Raveis Jr. discloses generating various reports including financial and sale reports at C.13, L.60-63 that are based on data related to the real estate transaction.

- storing the transaction report in a computer storage device; and

Raveis Jr. discloses a memory (Ref.60, 62) that is used to store databases (Ref.79, 89) that include the reports and information received for the real estate transaction.

- in response to a query by a third-party user, transmitting the transaction report over the computer network to the third-party user.

Raveis Jr. discloses accessing data (see abstract) by a third-party user and transmitting the transaction by a display (Fig.9, Ref.900; C.10, L.40-63) depicting the report over the computer network (Fig.1, etc.) via remote access software described at C.6, L.10.

Regarding claim 2, Raveis Jr. discloses the transaction questionnaire (report template C.6, L.25-28; form templates C.6, L.31-34) including information identifying at least one local service provider (e.g., real estate related goods and services C.12, L.9-11).

Regarding claims 3 and 4, at C.12, L.15-19, Raveis Jr. discloses an example of a gutter cleaner as the local service provider, as recited in claim 3, or another party to the real estate

transaction, as recited in claim 4. The method of Raveis Jr. includes receiving information from the evaluation questionnaire, as broadly recited, including evaluation of the local service provider or another party to the real estate transaction (what vendor performed the gutter cleaning service and when the service was performed C.12, L.9-11 and 14-15), and transmitting the evaluation, as broadly recited, of the local service provider (e.g., maintenance reminders communicated to contacts C.12, L.11-14 and 15-22) to a third-party user (real estate consultant C.12, L.20-22).

Regarding claim 5, Raveis Jr. discloses an example of local challenges (house painting, faucet repair, and shrub planting C.12, L.29-36) encountered during the real estate transaction, as broadly recited.

Regarding claim 11, Raveis Jr. discloses receiving a comment report (e.g., data related to vendors C.13, L.46-48); storing the report (vendor database Ref.79, 89); and linking the report to the transaction report (accessing vendor data based on a particular phase of the real estate transaction at the abstract; relational arrangement between databases C.7, L.20-27).

Regarding claim 12, Raveis Jr. discloses storing plural transaction reports (managing real estate transactions, meaning more than one transaction C.10, L.65; tables relating to contacts, listings, surveys, system tables C.7, L. 1-19).

Regarding claim 13, Raveis Jr. discloses receiving user input criteria (type of report, e.g., financial reports, sales reports, etc. C.7, L.1-19) and transmitting at least one transaction report meeting the user criteria (creating reports such as sale reports, contact reports, e.g., C.13, L.60-63).

Regarding claim 16, Raveis Jr. discloses a system for generating a report for a real estate transaction, comprising:

- (1) a computer programmed with software that generates at least one display (display Fig.9, Ref.900; C.10, L.40-63; report template C.6, L.25-34) to receive information related to a real estate transaction; generates a transaction report (e.g., create report C.13, L.60-63) based on the received information (data); and transmits the transaction report over the computer network to the third-party user (remote access software C.6, L.10); and
- (2) a database (store databases Ref.79, 89) that stores the transaction report.

The examiner notes that claim 16, and the claims that depend upon claim 16, have been interpreted as system claims in which the software is further programmed to perform the recited functions, not as method or process claims.

Regarding claim 17, Raveis Jr. discloses software further programmed to display a transaction questionnaire (report template C.6, L.25-28; form templates C.6, L.31-34) that facilitates receipt of information evaluating the real estate transaction and to identify at least one local service provider (e.g., real estate related goods and services C.12, L.9-11).

Regarding claim 18, Raveis Jr. discloses software that displays an evaluation questionnaire (what vendor performed the gutter cleaning service and when the service was performed C.12, L.9-11 and 14-15) that facilitates receipt of information evaluating the service provider (e.g., real estate related goods and services C.12, L.9-11).

Regarding claims 21 and 22, Raveis Jr. discloses software further programmed to receive a comment report including at least one comment related to the transaction report (e.g., data related to vendors C.13, L.46-48), to store the report (vendor database), and to link the report to the transaction report (accessing vendor data based on a particular phase of the real estate transaction at the abstract; relational arrangement between databases C.7, L.20-27). Raveis Jr. discloses that data about the vendors associated with a real estate transaction is received and stored (e.g., abstract). Raveis Jr. also discloses that the data is accessed during certain phases of the real estate transaction (e.g., abstract).

Regarding claim 23, Raveis Jr. discloses software further programmed to store plural transaction reports (managing real estate transactions, meaning more than one transaction C.10, L.65; tables relating to contacts, listings, surveys, system tables C.7, L. 1-19).

Regarding claim 24, Raveis Jr. discloses software further programmed to receive user input criteria (type of report, e.g., financial reports, sales reports, etc.) and to transmit (display Fig.9, Ref.900; C.10, L.40-63) at least one transaction report meeting the user criteria (sales reports, contact reports, e.g., C.13, L.63).

Regarding claim 28, a “computer-readable medium” is inherent in a computer that is capable of performing the recited steps. Raveis Jr. discloses a computer capable of performing the steps of:

- receiving in the computer from one or more parties to the completed real estate transaction information relating to the completed real estate transaction;

Raveis Jr. discloses a medium capable of receiving data (e.g., C.4, L.26-34) related to real estate transactions. The data is capable of being received over a

computer network at Fig.1, Ref.22, Fig.10, Ref.200; from users depicted at Fig.1, Ref.18(1)-18(n) including vendors, contacts, sales agents, administrative personnel, e.g., C.5, L.8-10.

- generating a transaction report based on the received information;

Raveis Jr. discloses a system capable of generating various reports including financial and sale reports at C.13, L.60-63 that are based on data related to the real estate transaction.

- storing the transaction report (memory Ref.60, 62) in a computer storage device (store databases Ref.79, 89); and

Raveis Jr. discloses a memory (Ref.60, 62) that is capable of storing databases (Ref.79, 89) that include the reports and information received for the real estate transaction.

- in response to a query (e.g., accessing data at the abstract) by a third-party user, transmitting (display Fig.9, Ref.900; C.10, L.40-63) the transaction report over the computer network to the third-party user (remote access software C.6, L.10).

Raveis Jr. discloses a system capable of accessing data (see abstract) by a third-party user and capable of transmitting the transaction by a display (Fig.9, Ref.900; C.10, L.40-63) depicting the report over the computer network (Fig.1, etc.) via remote access software described at C.6, L.10.

Regarding claim 29, Raveis Jr. discloses using a telephone to perform the receiving step (e.g., tele-communications C.12, L.44-46).

Regarding claim 30, Raveis Jr. discloses a computer readable medium for performing the steps recited in claim 1. Raveis Jr. includes *inter alia* servers 12 and 14 that contain memory 60 and 62, and RAM and hard disk that support the computer applications (C.5, L.31 – C.7, L.27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 14, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis Jr. (US-6321202) in view of D'Alessandro (US-6556974).

Regarding claim 6, Raveis Jr. lacks the method steps of determining required fields, when not received prompting user input, and when received prompting completion of the project summary report including a description of required tasks to complete the real estate transaction. D'Alessandro teaches a method that ensures that a respondent completes a questionnaire in order to analyze the questionnaires after all are completed. The method of D'Alessandro includes determining required fields (DTMF input Fig.4, Ref.330); prompting user input (play pre-recorded questions Fig.4, Ref.320); and prompting completion of the project summary report (no response replay loop Fig.4, Ref.340 and analysis Fig.4, Ref.140). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Raveis Jr. to include the steps of determining required fields, prompting a user, and prompting

completion of a report for analysis, such as suggested by D'Alessandro, in order to ensure that a respondent has completed a particular questionnaire related to the real estate transaction.

Regarding claim 14, Raveis Jr. lacks the step of transmitting a local service provider summary report when a plurality of transaction reports are stored. D'Alessandro teaches a summary report or scorecard used to analyze an organization, or local service provider, when a plurality of transaction reports are stored for an organization or local service provider that is being evaluated. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Raveis Jr. to include the steps of transmitting a local service provider summary report when a plurality of transaction reports are stored, such as taught by D'Alessandro, in order to analyze the evaluation information for real estate transaction services provided by a local service provider.

Regarding claim 19, as noted with regard to claim 16 above, the examiner has not treated the claim as a method of using the system of claim 16, but rather as a system claim in which the software is further programmed to perform the recited functions. Raveis Jr. lacks software programmed to determine required fields; when not received programmed to prompt user input; when received programmed to prompt completion of the project summary report including description of required tasks to complete the real estate transaction. D'Alessandro teaches computer software that is programmed to ensure that a respondent completes a questionnaire and allows analysis of the questionnaires after all are completed. The system of D'Alessandro includes software programmed to determine required fields (DTMF input Fig.4, Ref.330); to prompt user input (play pre-recorded questions Fig.4, Ref.320); and, to prompt completion of the project summary report (no response replay loop Fig.4, Ref.340 and analysis Fig.4, Ref.140). It

would have been obvious to modify the system of Raveis Jr. to include software programmed to determine required fields, to prompt a user, and to prompt completion of a report for analysis, such as suggested by D'Alessandro, in order to ensure that a respondent has completed a particular questionnaire related to the real estate transaction and to analyze the summary information provided by the respondents.

Regarding claim 25, Raveis Jr. lacks the software programmed to determine whether the user is a local service provider and to transmit a local service provider summary report when a plurality of transaction reports are stored. D'Alessandro teaches a summary report (scorecard) used to analyze a local service provider (organization) when a plurality of transaction reports is stored for a local service provider (organization) that is being evaluated (e.g., C.9, L.36-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Raveis Jr. to include software programmed to transmit a local service provider summary report when a plurality of transaction reports are stored, such as taught by D'Alessandro, in order to analyze the evaluation information for real estate transaction services provided by a local service provider.

10. Claims 7-10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis Jr. (US-6321202) and D'Alessandro (US-6556974) as applied to claim 6 above, and further in view of PMBOK Guide (book, A guide to the project management body of knowledge).

Regarding claims 7 and 8, Raveis Jr., as modified by D'Alessandro, lacks the step of an outsider reviewing the project summary report and transmitting at least one revision

to the party completing the project summary report. PMBOK Guide discloses project management techniques. Namely, chapter 8, project quality management, discloses the method of using a review and revise loop as a quality planning tool example (section 8.1.2 and Fig.8-3). Further, chapter 8 discloses that quality assurance should be performed throughout a project and the quality planning tools are often used as part of quality assurance (P.88). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Raveis Jr. and D'Alessandro to include the step of an outsider revising the project summary report and transmitting the revision to the party completing the project summary report, such as taught by PMBOK Guide, in order to assure that the quality of the project summary report is satisfactory.

Regarding claims 9 and 20, Raveis Jr. as modified by D'Alessandro, includes linking one report to another report (accessing vendor data based on a particular phase of the real estate transaction at the abstract; relational arrangement between databases C.7, L.20-27). Raveis Jr., as modified by D'Alessandro, lacks the steps of the party confirming the at least one revision. PMBOK Guide teaches the importance of quality planning and assurance and provides an example quality system (Fig.8-3). Quality management techniques inherently include feedback to various parties involved with a project, *inter alia* confirming revisions suggested by a reviewer, in order to continuously improve quality. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Raveis Jr. and D'Alessandro to include the step of confirming the at least one revision, such as suggested by PMBOK Guide, in order to complete the quality planning and assurance process.

Regarding claim 10, Raveis Jr. as modified by D'Alessandro, includes the method of and system for linking one report to another report (accessing vendor data based on a particular phase of the real estate transaction at the abstract; relational arrangement between databases C.7, L.20-27). Raveis Jr. as modified by D'Alessandro, inherently includes computer storage timing that is commensurate with the revised or latest revision of a stored item being saved.

11. Claims 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis Jr. (US-6321202) and D'Alessandro (US-6556974) as applied to claims 14 and 25 above, and further in view of Morton (US-6438564).

Regarding claim 15, Raveis Jr. as modified by D'Alessandro, discloses a method of and a system capable of linking various reports to one another (see Raveis Jr. for discussion of accessing vendor data based on a particular phase of the real estate transaction at the abstract; relational arrangement between databases C.7, L.20-27). Raveis Jr. as modified by D'Alessandro, lacks method steps and system capable of receiving a comment report from the local service provider including information related to the summary report, and storing the comment report. Morton discloses a method of and system capable of associating user comments with a document. Morton describes a user commenting on a document and linking the comments to the document to develop a complete history of the comments made by various users and how the comments relate to the document. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Raveis Jr. and D'Alessandro to include the method and

system capable of a user commenting on the document in the form of a project summary report, storing the comments, and linking the comments to the document, such as suggested by Morton, in order to develop a complete record or history of comments related to a project summary report.

12. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis Jr. (US-6321202).

Claim 27 has been interpreted as a computer system having software programmed to generate a transaction report and to generate a local service provider summary report. Moreover, the term "the LSP questionnaire" lacks clear antecedent basis; however, it has been treated as any information that is input to the computer and related to a particular local service provider.

Raveis Jr. discloses that data can be gathered, processed, and controlled (C.4, L.27-31) and that the computer software can generate various reports (report tables and surveys C.7, L.11-19 and C.12, L.23-25), including a transaction report (sale reports C.13, L.61-63) and summary reports (detailed and summary reports C.13, L.60-61). Raveis Jr. does however include software programmed to create detailed and summary reports (C.13, L.60-63) in order to evaluate finances, agents, and contacts. Raveis Jr. discloses that reports that can be created include, but are not limited to, listing and sale reports, financial reports, agent reports, and contact reports (C.13, L.60-63); however, Raveis Jr. does not specify a local service provider summary report. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the software is programmed to generate any type of desired summary report and would

include local service provider (vendor) summary reports in addition to the types of reports listed in the specification in order to evaluate the local service provider.

Response to Arguments

13. Applicant's arguments filed 28 February 2005 have been fully considered but they are not persuasive.

Regarding paragraphs 3 and 4, above

a. [page 14] Applicant argues that the formal drawings filed 27 April 2001 contain a correction to obviate the drawing objection wherein reference character 1007 is used to depict two different elements. The previous Office Action Summary noted that the drawings filed 22 January 2001 were considered when preparing the Office action, and as noted in the Preliminary Matters above, the Image File Wrapper does not include formal drawings filed in April 2001. The drawings that are contained in the Image File Wrapper are the original drawings filed 22 January 2001, and the replacement sheets filed 28 February 2005.

b. [page 14] Applicant argues three points with regard to the drawing objection under 37 CFR 1.83(a). **First**, that the rule need not be met because "one of ordinary skill in knows what a telephone is, and will readily understand how it is used with the invention as described" and requests that the examiner demonstrate the need for a pictorial illustration. In response, the examiner points out that 37 CFR 1.83(a) requires that every feature of the claims must be shown. The telephone is a claimed feature, thus it must be shown. **Second**, applicant requests the examiner to provide "evidence of the

level of knowledge of one of ordinary skill in the art, demonstrating the need for a pictorial illustration of a telephone.” In response, the examiner points out that the level of skill is not at issue, it the requirement of 37 CFR 1.83(a) which reads,

The drawing in a nonprovisional application *must* show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).

The examiner has required that the claimed feature be shown because it is not shown. Applicant has not argued that the embodiment is not shown, but rather that it is not necessary to show. If applicant provides evidence that the telephone in the claimed combination is conventional, then the rule permits the feature to be shown as a labeled rectangular box. **Third**, applicant argues that claim 29 is a method claim. However, the claim is a computer-readable medium (an apparatus claim), not a method claim. Even if the claim were a method claim, the claimed feature must be shown. Thus, the drawing objection has been repeated above.

Regarding paragraph 5, above

c. [page 16] Applicant argues that the term telephone has proper antecedent basis in the specification, directing the Office to pages 26 and 37. The telephone terminology that is referred to on those pages is not a telephone, but rather a telephone network. Thus, the specification objection has been repeated above.

Regarding paragraph 8, above

d. [page 17] (Claim 1) Applicant argues that Raveis Jr. does not transmit a transaction report based on information received including responses to an evaluation questionnaire, to the third-party user. The rejection above addresses these limitations, as

claimed in currently amended claim 1. In particular, “evaluation questionnaire” is a broad term and has been met by Raveis Jr. insofar as a determination is made that the service provider can provide a particular service.

e. [page 17] (Claim 1) Applicant argues that Raveis Jr. does not manage or maintain a database of transaction reports comprising responses to evaluation questionnaires. In response, it is noted that the features upon which applicant relies (i.e., manage or maintain a database) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The rejection above addresses the limitations set forth in the claim, i.e., the step of “storing the transaction report in a computer storage device.”

f. [page 17] (Claim 1) Applicant argues that a history of goods and services is not an evaluation questionnaire. In response, applicant’s disclosure and claims are not limited to any particular type or form of evaluation. The rejection above addresses the limitation, as claimed in currently amended claim 1. In particular, “evaluation questionnaire” has been broadly interpreted and is met by Raveis Jr. insofar as a determination is made as to whether a service provider can provide a particular service or has a history of providing service.

g. [page 17-18] (Claim 1) Applicant argues that Raveis Jr. does not teach or suggest a third-party user can query the system for a transaction report and the system will send the transaction report to the third-party user. In response, the rejection above addresses the limitations set forth in the claim including the consultant querying the system to

determine which providers were used previously and what service they provided and the system displaying the results.

h. [page 18] (Claim 2) Applicant argues that there is no teaching or suggestion that information identifying a service provider is received via a transaction evaluation questionnaire. In response, the rejection above addresses the limitations set forth in the claim including information about a service provider that provided services previously and/or can provide service for a homeowner. Further, the use of a transaction evaluation questionnaire has been interpreted broadly and includes the information provided by Raveis Jr. and noted in the rejection above.

i. [page 18] (Claim 3) Applicant argues that the history in Raveis is not the same as an evaluation of the service provider. The examiner disagrees and has made a reasonable interpretation of the claim, though broad, insofar as the fact that a service has been provided and the service can be provided again by the same provider is an evaluation, broadly.

j. [page 18] (Claim 4) Applicant argues that there is no teaching in Raveis Jr. that the questionnaire includes an evaluation of another “party” to the real estate transaction. As noted in the first Office action and in this Office action, the term real estate transaction as recited in the claims has been broadly interpreted to include any dealing associated with real estate, including pre-closing, closing, and post-closing transactions related to property. A “party” that provides services at a residence is “another party” as broadly recited. Applicant has not eliminated any entity from being a party or another party.

- k. [page 18] (Claim 5) Applicant argues that Raveis Jr. does not teach a questionnaire that evaluates local challenges encountered during the real estate transaction. As noted in the rejection, post-closing transactions are considered real estate transactions, as broadly recited. One example of a local challenge disclosed in Raveis Jr. is that gutters are to be cleaned periodically.
- l. [page 18] (Claim 11) Applicant argues that Raveis Jr. has no comment report linked to the transaction report. As noted in the rejection above, Raveis Jr. discloses the use of previously entered service provider data (service provider from years past) to determine which service provider can be used this year for the same service. This disclosure meets the claimed limitation of receiving a comment report after the transaction report is transmitted in that the consultant receives the transaction report that is queried (which service providers were used previously) and “comments” as to which service was provided by the service provider.
- m. [page 19] (Claim 13) Applicant argues that Raveis Jr. does not include the step of “subsequently providing” a comment report related to the transaction report. In response, it is noted that the features upon which applicant relies (i.e., subsequently providing a comment report) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The rejection above addresses the limitations set forth in the claim, i.e., the steps of receiving a comment report after the transaction report is transmitted; storing the comment report; and linking the report to the transaction report.

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n. [page 19] (Claim 16) Applicant argues that Raveis Jr. does not teach a transaction questionnaire that is stored and can be queried by a third-party user. In response, the claim is not a method, but rather a system claim. The computer of Raveis Jr. includes a computer to generate a display to receive information comprising a questionnaire. The amendment to the claim has been given little patentable weight insofar as the “transaction evaluation data” at line 6 has not been related to the “received information” at lines 3-4, and 7-8. Further, the system as claimed in claim 16 is limited to a computer programmed to generate a display, to generate a report, and to transmit a report over a computer network; and a database. The type of information and the classification of user do not structurally define over the Raveis Jr. system.

o. [page 19] (Claim 28) Applicant refers to the arguments made as to claim 1. In response, the examiner points out that claim 28 has been evaluated as to the metes and bounds of patent protection sought (a computer readable medium) in the above rejection.

Regarding paragraph 9, above

p. [page 20] (Claims 6, 14, 19, and 25) Applicant argues that the Office action provides no suggestion to combine Raveis with D’Alessandro. In response, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the level of skill in the service industry,

D'Alessandro explicitly teaches the use of a tool to ensure completion of a questionnaire. It is the teaching from D'Alessandro that would lead one who works in the service industry to combine the references and to have the Raveis Jr. information complete as to the particular service provider.

q. [page 20] (Claims 6, 14, 19, and 25) Applicant argues that the examiner used impermissible hindsight. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

r. [page 21] (Claims 6, 14, 19, and 25) Applicant argues that the Raveis Jr. nor D'Alessandro teach prompting a user to complete a project summary report including a description of the tasks required to complete the real estate transaction. Applicant has acknowledged that D'Alessandro teaches the completion of a report in that D'Alessandro teaches a continuous loop until all questions are answered. It is Raveis Jr. that discloses the project summary report of required tasks (for example, cleaning gutters) and the teaching of D'Alessandro that all information must be entered. Further, applicant argues no motivation to combine the references. The examiner notes that the motivation to combine is discussed in the rejection above.

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s. [page 21] As pointed out by Applicant, the examiner acknowledges that at paragraph 12 of the previous Office action claims 15 and 26 were inadvertently included but not separately addressed in the detailed portion of the paragraph. The rejection of claims 15 and 26 was made separately in paragraph 13 of the previous Office action and is repeated above.

Regarding paragraph 10, above

t. [page 21] (Claims 7-10 and 20) Applicant argues that there is no motivation to combine the references. The examiner notes that the motivation to combine is discussed in the rejection above.

Regarding paragraph 11, above

u. [page 21-22] (Claims 15 and 26) Applicant argues that there is no motivation to combine the references. The examiner notes that the motivation to combine is discussed in the rejection above. Further, applicant argues that the examiner used impermissible hindsight. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding paragraph 12, above

- v. (Claim 27) Applicant has not argued the rejection of claim 27 over Raveis Jr. under 35 U.S.C. 103(a).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Broerman teaches a real estate computer network to facilitate real estate transactions.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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